

City Council Minutes
Tuesday, September 13, 2022

On the 13th day of September 2022, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in a regular meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Cindy Shepard	)	Mayor Pro Tem
John Miller	)	Councilmembers
Jon McKenzie)	
Cathy Brotherton)	
Gary N. Waldron)	
David Booe)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Duane Hengst	)	City Engineer
Greg Dickens	)	Executive Director of Public Works
Steve Bowden	)	Executive Director of Economic Development
David Palla	)	Fire Chief
Matt Easter	)	Fire Marshal
Michelle Lazo	)	Executive Director of Planning
Kyle Gordon	)	Executive Director of Community Services

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m. and the Pledge of Allegiance was given.

Mayor Wilson gave the Invocation.

CONSENT AGENDA

1. Consider approval of the minutes for the August 23, 2022, City Council meetings
2. Consider Ordinance 2514, second reading, amending the City of Hurst Code of Ordinances Chapter 27, Section 27-12 by adding Subsection 12-12(e)(14) providing regulations for the sale of alcohol in the Limited Business Zoning District
3. Consider Ordinance 2515, second reading, amending Chapter 5 and Chapter 8 of the Hurst Code of Ordinances, pertaining to Building and Fire regulations, and adopting the 2021 International Codes, along with the 2020 National Electrical Code, and amendments
4. Consider authorizing the city manager to enter into an Engineering Services Contract with Thomas Hoover Engineering, LLC, for design of the Livingston Drive Improvements from Willow Street to 629 Livingston Drive

5. Consider authorizing the city manager to enter into an Engineering Services Contract with Thomas Hoover Engineering, LLC., for engineering services for CDBG – CV Round 3: Brown Trail Water Main Replacement from Pipeline Road to Redbud Drive

Mayor Pro Tem Shepard moved to approve the consent agenda. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

PUBLIC HEARING(S) AND RELATED ITEM(S)

6. Conduct a public hearing and consider Ordinance 2520, first reading, to consider Z-2022-00002, a zoning change from R-1 to R1-PD with a site plan for Tract 2 Isaac Carodine Survey, Abstract 356, being 31.58 acres located at 7628 Precinct Line Road

Mayor Wilson announced the public hearing to consider Ordinance 2520, first reading, to consider Z-2022-00002, a zoning change from R-1 to R1-PD with a site plan for Tract 2 Isaac Carodine Survey, Abstract 356, being 31.58 acres located at 7628 Precinct Line Road and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the proposed site plan, variances requested, access points, and flood plain open space. She noted lot sizes exceed standard zoning requirements and that a traffic and drainage study will be conducted as with any development.

Mayor Wilson recognized applicants Dustin Austin and John Pitstick, Our Country Homes, 700 W. Harwood Road, Hurst. Mr. Austin expressed appreciation for the opportunity to acquire the property from the Adkins family and stated their intent with the PD request is to make the lots narrower, but deeper, to fit their single-story luxury home product. Mr. Pitstick reviewed the proposed development noting the request is from R1 to R1-PD with a site plan for 76 custom homes, preserving 10 acres of open space and walking trails in a flood plain area. He stated they understand the need for a unanimous vote due to a petition. Mr. Pitstick stated they want people to enjoy the neighborhood and believe increasing the lot area, having a 25' front and back yard, and increasing the dwelling size will be an improvement. He noted the variance for five feet side yards and 70 feet lot width is to allow for increased dwelling size. Other features noted were rod iron fencing for the lots that back up to the open area, cluster mailboxes required by the postal service with parking and narrowing of the road for traffic calming. He also noted the natural preserve, masonry wall, open fencing, decorative street lighting and tree preservation. He stated they understand the neighbor's concerns, but believe the proposed development will be an open and inviting community. They have a full tree preservation plan, traffic study will be completed with the plat, drainage study will be completed and appropriate controls addressed. He stated the density is 2.3 per acre versus surrounding neighborhoods of 3.3 per acre and also included are sidewalks, which most surrounding areas do not have. Mr. Pitstick stated, to simplify, they see three options. Option 1, which they requested, is a PD open community and open to surrounding neighborhood, maximum home sites, traffic calming along Bear Creek, full amenity entryways, fully developed passive open spaces

with trails. Option 2 is to lose one lot, more closed, single public entry, no through street or public access, emergency grasscrete access only, little or no community interaction, very similar to a gated community and not what they want to do. Mr. Pitstick stated if they do not get full approval from Council, they would be forced to develop R1 as Option 3. They would still get 76 lots, Bear Creek Drive will open, smaller building pads so most homes would be two-story and they would probably not be the builder. He stated that is not what they want to do and prefer Option 1. He stated they will be happy to answer questions.

Mayor Wilson recognized the following individuals who expressed their concerns regarding the proposed development including traffic, failure of perimeter lots to match the existing lots, grading, drainage and stormwater, children playing in neighborhood, safety, dense lots, changing character of neighborhood, speeding, no parks near neighborhood, maintaining their neighborhood identity and activities, loss of trees and that the previous owner of the land did not want the property developed. Also noted was the preference for Option 2 of the plans presented.

Gary Fitzjarrell, 729 Trails End Circle; Larry Johnson, 721 Trails End Circle; Adrianna Sullivan, 668 Bear Creek Drive; Keith Hill, 3521 Texas Trail; Blake Barfknecht, 700 Bear Creek Drive; Stephanie Barfknecht, 700 Bear Creek Drive; Michael Bendahl, 669 Bear Creek Drive and Mark Sullivan, 701 Trails End Circle, who also provided a presentation regarding access, traffic flow and the existing community along with a handout presented to Council with ideas as options for the developer.

There being no one else to speak, Mayor Wilson closed the public hearing. In response to questions and comments, Mayor Wilson stated there will be a detailed drainage study to ensure drainage is handled correctly, and that most developments do not have backyard line up back-to-back. He stated there will be a detailed traffic study and devices and signs can be installed for calming the speed. Mayor Wilson stated the developer must determine their preferred options for consideration.

In response to Council questions, Mr. Pitstick explained with Option 2, the homeowners association has to pay dues to maintain the park and, if maintained by the association, it will be private. He stated they had not seen any diagrams submitted by Mr. Sullivan. Fire Marshal Matt Easter stated Option 2 does meet fire code. Mr. Pitstick reiterated Option 1 would be an open park and Option 2, would be pedestrian only with no parking and problematic. Executive Director of Planning Michelle Lazo confirmed if Option 1 or Option 2 did not pass, the developer expressed his desire to move forward, by right, which will require a plat, traffic and drainage study, but they will not lose lots and Bear Creek Drive will go through.

Councilmember McKenzie moved to approve Ordinance 2520, first reading, with Option 2, a zoning change with a site plan for Z-2022-00002 Adkins Place. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard

No: None

Mayor Wilson recessed the meeting at 7:35 p.m. and reconvened at 7:47 p.m.

7. Conduct a public hearing to consider the updated land use assumptions, capital improvements plan, and impact fee levels assessed and collected as shown in the 2021 Water and Wastewater Impact Fee Study

Mayor Wilson announced the public hearing to consider the updated land use assumptions, capital improvements plan, and impact fee levels assessed and collected as shown in the 2021 Water and Wastewater Impact Fee Study, and recognized Executive Director of Public Works Greg Dickens who reviewed the adoption history and review process for the established impact fees. Mr. Dickens introduced Freese and Nichols, Inc. representatives Andrew Franco and Kristen Williams. He noted the current rates have stayed the same since 2004 and Freese and Nichols, Inc will present updated studies this evening to Council. Freese and Nichols representative Andrew Franco, 3708 Crestline, Fort Worth, reviewed the technical steps and philosophy of the fee, land use assumptions from 2022 to 2032 and the number of eligible capital improvement plans. Mr. Franco reviewed current and proposed rates noting the bulk of the costs come from Fort Worth Wholesale charges.

There being no one to speak, Mayor Wilson closed the public hearing.

In response to Council questions, Mr. Andrews stated the future forecast for new connections is 341 service units and that it is assessed on size of meters.

Councilmember McKenzie moved to approve the land use assumptions and capital improvements plan shown in the 2021 Water and Wastewater Impact Fee Study, and the new maximum and maximum allowable impact fee levels per service unit shown in the study, and increasing the water and wastewater impact fee per service unit being collected to \$1,292 and \$1,206, respectively. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard

No: None

BUDGET RELATED ITEM(S)

Assistant City Manager Clayton Fulton provided an overview of Budget related items, 8, 9, 10 and 11 noting all are related to the budget and tax rate adoption and reviewed, discussed, and approved these items on first reading at the August 23, 2022 meeting. He stated the total budget is increasing 6.97%, which is below inflation. He stated Agenda Item 10 is to approve the tax rate of .614043 and one cent lower than the current rate. Also noted is a debt service rate is \$0.100290 and maintenance and operation rate is \$0.513753 and required language to utilize in the motion for adoption. Mr. Fulton stated Agenda Item 11 is to establish the water and sewer rates and that the majority of the increase is to offset wholesale and inflation costs.

8. Consider Ordinance 2517 (a), second reading, adopting budget for fiscal year beginning October 1, 2022 and ending September 30, 2023

Councilmember Waldron moved to approve Ordinance 2517 (a), second reading, adopting budget for fiscal year beginning October 1, 2022 and ending September 30, 2023. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

9. Consider Ordinance 2517 (b), second reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2022-2023 Budget

Councilmember Brotherton moved to approve Ordinance 2517 (b), second reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2022-2023 Budget. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

10. Consider Ordinance 2518, second reading, setting the tax rate for the 2022 tax year

Councilmember Miller moved with the adoption of Ordinance 2518, "I move that the property tax rate be increased by the adoption of a tax rate of .614043 which is effectively a 4.39 percent increase in the tax rate.". Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

11. Consider Ordinance 2519, second reading, adopting water and wastewater rates for Fiscal Year 2022-2023

Councilmember Waldron moved to approve Ordinance 2519, second reading, adopting water and wastewater rates for Fiscal Year 2022-2023. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

RESOLUTION(S)

12. Consider adopting Resolution 1821 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism filing

Assistant City Manager Clayton Fulton stated this item is the result of the City's participation, along with 181 other cities in the Atmos Energy Steering Committee "ACSC" and reviewed the Rate Review Mechanism "RRM" process arising out of the Gas Reliability Infrastructure Program legislation, which created a substitute rate review process. Mr. Fulton stated as a result of these processes, ACSC's Executive Committee agreed to recommend a system-wide rate increase of \$95.8 million as opposed to the original \$141.3 million-dollar rate request. He stated the average increase to residential customers is about \$4.60 per month, or 6.7%.

Councilmember Booe moved to adopt Resolution 1821 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

OTHER BUSINESS

13. Consider casting votes for candidates to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

Mayor Wilson recommended the following individuals for consideration of vote to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees:

Place 6 Allison Heward, Place 7 Mary Dennis, Place 8 Chris Coffman, Place 9 Opal Mauldin-Jones.

Councilmember Brotherton moved to cast as recommended by the Mayor. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, Miller, McKenzie, Brotherton, Waldron and Shepard
No: None

14. Board, Commission, and Committee meeting minutes – Council reviewed the Board, Commission, and Committee minutes.
15. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the future events calendar and Assistant City Manager Malaika Marion Farmer provided information regarding the celebration of the city's 70th Anniversary kick off celebration, September 29, 6:30 – 8:30 p.m. at Heritage Village.
16. City Council Reports - Items of Community Interest – Councilmember Shepard noted she will be participating in a Cupcake eating contest this coming Saturday with the Mayor Pro Tems of Euless and Bedford in honor of the Bedford Boys Ranch.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE

**COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE
RECOGNIZED. CITIZEN COMMENTS ARE LIMITED TO A MAXIMUM OF 3
MINUTES PER SPEAKER.** No one spoke.

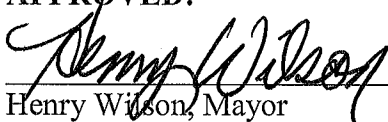
ADJOURNMENT – The meeting adjourned at 8:23 p.m.

APPROVED this the 27th day of September 2022.

ATTEST:


Rita Frick, City Secretary

APPROVED:


Henry Wilson, Mayor